

Mailing Date: November 9, 2004

Office Action

Patent Application Number: Japanese Patent Application No.
2001-149359

Date of Drafting: October 25, 2004

Examiner, Patent Office: Masahiro Nishina 9522 3X00

Agent for Applicant: Takashi Kumagaya (and another)

Applied Articles: Article 29, Item 1 and Item 2, Article 29-2
and Article 37

The present application should be rejected for the following reasons. With respect to the reasons for rejection of the present application, the Applicant can submit a written argument within 60 days from the mailing date of the present Office Action.

Reasons

Reason 1

The present application does not satisfy the requirements of the provision of Article 37 of the Japanese Patent Law in the following points.

Note

[Regarding the relationship described in Article 37-(1) of the Japanese Patent Law]

The detailed description of the invention describes the following two objects to be achieved by the inventions of the present application.

Object 1: The object described in paragraph [0006] of the specification (a display being seen as embossed or floating over the background)

Object 2: The object described in paragraph [0007] of the specification (avoidance of detachment of the key top)

Of the inventions recited in independent claims 1, 2, 6, 8 and 9, the inventions recited in claims 1, 2, 6 and 9 belong to the same category of invention, namely that of a product. The respective objects of the inventions of claims 1, 2, 6 and 9 are stated to be as follows.

Claim 1: Object 1

Claim 2: Object 1 and Object 2

Claim 6: Object 2

Claim 9: None of objects 1 and 2 is achieved.

In view of the above, it is considered that the inventions recited in the above-mentioned independent claims do not satisfy the relationship stipulated in Article 37-(1) of the Japanese Patent Law.

[Regarding the relationship stipulated in Article 37-(2) of the Japanese Patent Law]

The matter which is common to claims 1, 2, 6 and 9 is "a key top plate" comprising "a flexible transparent resin film" and "a key top made of mold-resin". This "key top plate", however, is a well known technical matter. The Applicant explains in the detailed description of the invention that such a key top plate is a conventional technique, referring to [Figure 5]. (Regarding examples of well known technical matters, if desired, reference can be made to the descriptions in the references cited in the present Office Action.)

Therefore, the above-mentioned independent claims 1, 2, 6 and 9 do not have in common a substantial part comprising novel matters corresponding to the objects of the inventions.

Therefore, the inventions of these independent claims do not satisfy the relationship stipulated in Article 37-(2) of the Japanese Patent Law.

[Regarding the relationship stipulated in Article 37-(3), (4) and (5) of the Japanese Patent Law]

Of the inventions of independent claims 1, 2, 6, 8 and 9, only the invention of claim 8 belongs to the category of an invention of a method. In claim 8, there is no description regarding "a display layer" such as that described in claim 1. Therefore, the inventions of these independent claims do not satisfy any of the relationships stipulated in Article 37-(3), (4) and (5) of the Japanese Patent Law.

[Regarding claims to be examined]

"In a case that unity of the invention is not satisfied, an invention first recited in claims and an invention of each claim having any one of the relationships stipulated in Article 37 with respect to the first-described invention shall be examined with regard to requirements other than unity of the invention" (see The EXAMINATION GUIDELINES PART IX 3.(3) (http://www.jpo.go.jp/shiryou/kijun/kijun2/pdf/tt1212-045_9-0.pdf)). Therefore, in principle, only the invention described in claim 1 of the present application should be examined with respect to the requirements other than those of Article 37. However, the Examiner has found prior art documents relating to the inventions of claims 2 to 7 and 9 to 10 in conducting a search of prior art documents in connection with claim 1. Therefore, based on the standard of the proviso of The EXAMINATION GUIDELINES PART IX 3.(3), the inventions of claims 2 to 7 and 9 to 10 are examined with regard to the requirements other than those of Article 37.

The present application does not comply with Article 37 of the Japanese Patent Law. Therefore, no substantial examination has been conducted with respect to novelty and inventive step of the invention of claim 8 other than claims 1 to 7, 9 and 10.

Reason 2

The inventions of the below-mentioned claims of the present application are identical to the inventions disclosed in the below-mentioned references published in Japan or abroad prior to the filing of the present application or the inventions made available to the public through an electronic communication network prior to the filing of the present application. Therefore, the present application is unpatentable under Article 29, Item 1, No. 3 of the Japanese Patent Law.

Note

(With respect to the cited references, reference is made to the list of cited references)

- Claims 9 and 10
- Cited reference 1
- Note

In (a) and (c) of [Figure 1] of cited reference 1, which is a laid-open publication of a patent application of the present Applicant, there is disclosed "a mold-resin injection part 23" which corresponds to "a protrusion for injection of a molten resin" described in each of the above-mentioned claims of the present application.

- Claim 6
- Cited reference 2

• Note

See [Figure 3] of cited reference 2.

Reason 3

Based on the inventions described in the below-mentioned references published in Japan or abroad prior to the filing of the present application or the inventions made available to the public through an electronic communication network prior to the filing of the present application, the inventions of the below-mentioned claims of the present application are recognized to be such as could be easily made by a person skilled in the art. Accordingly, the present application is unpatentable under the provision of Article 29, Item 2 of the Japanese Patent Law.

Note

(With respect to the cited references, reference is made to the list of cited references)

- Claims 1, 2 and 5
- Cited references 2 to 4
- Note

Cited reference 3 discloses a technique of forming a marking 3 on an upper surface of a key top 1 and providing a black type or colored type semi-transparent film 6 on an under surface of the key top 1.

The inventions of claims 1, 2 and 5 can be made simply by applying a printed key symbol 12d disclosed in (b) of [Figure 1] of cited reference 2 to a film F of a key top sheet 20 disclosed in [Figure 3] of cited reference 2, based on the technique disclosed in cited reference 3.

It is apparent from cited reference 4 that a high-class appearance can be obtained by providing depth or three-dimensionality as a result of the above application.

• Claim 3

• Cited references 2 to 5

• Note

See the form of a sheet 11-3 disclosed in [Figure 8] of cited reference 5.

• Claim 4

• Cited references 2 to 4

• Note

See the form of a film 41 disclosed in [Figure 3] of cited reference 2.

• Claim 7

• Cited references 2 and 5

• Note

See paragraphs [0046] and [0047], and [Figure 11] of cited reference 5. In addition, see Note regarding reason 1 for claim 6.

Reason 4

The inventions of the below-mentioned claims of the present application are identical to the invention disclosed in the specification or drawings submitted at the time of filing of the below-mentioned patent or utility model application (earlier application) which was filed prior to the filing date of the present application and published as a laid-open publication (KOKAI) or an examined publication (KOKOKU) in Japan after the filing date of the present application. Further, the inventor of the present application is not identical to the inventor of the earlier application and the applicant of the present application at the time of filing of the present application is not identical to the

applicant of the earlier application. Therefore, the present application is unpatentable under Article 29-2 of the Japanese Patent Law.

Note

(With respect to the cited references, reference is made to the list of cited references)

• Claims 1, 2, 4 and 6

• Cited reference 6

• Note

See [Figure 1] or [Figure 2] of cited reference 6.

• Claim 5

• Cited reference 6

• Note

See paragraph [0012] of cited reference 6.

• Claim 1

• Cited reference 7

• Note

See [Figure 5] of cited reference 7.

• Claims 2, 4, 5 and 6

• Cited reference 7

• Note

See [Figure 8] of cited reference 7.

• Claims 9 and 10

• Cited reference 7

• Note

See [Figure 4] and [Figure 7], or [Figure 11] and [Figure 12] of cited reference 7.

List of Cited References

1. Japanese Patent Application Public Disclosure No. HEI 08-007698
2. Japanese Patent Application Public Disclosure No. HEI 10-119058
3. Japanese Patent Application Public Disclosure No. HEI 11-066997
4. The microfilmed text of Japanese Utility Model Application No. SHO 59-002209 (corresponding to Japanese Utility Model Application Public Disclosure No. SHO 60-115287)
5. Japanese Patent Application Public Disclosure No. HEI 10-162689
6. Japanese Patent Application No. HEI 11-330094 (Japanese Patent Application Public Disclosure No. 2001-148214)
7. Japanese Patent Application No. 2000-395681 (Japanese Patent Application Public Disclosure No. 2002-197933)